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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
BROWN, RUEBEN M	

ART UNIT	PAPER NUMBER
2623	

DATE MAILED: 09/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	08/976,322	DJUPSJOBACKA ET AL.	
	Examiner	Art Unit	
	Reuben M. Brown	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 July 2006*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *2-10,12,14 and 28-35* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *2-10,12,14 and 28-35* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/5/05 has been entered.

Response to Arguments

2. Applicant's arguments filed 7/6/06, with respect to the Admitted Prior Art have been fully considered but they are not persuasive. Applicant argues on page 11, that examiner's reliance on page 6, lines 1-10 as Admitted Prior Art (APA), is improper since applicant's never admitted this passage to be APA. Examiner respectfully disagrees and first of all points out that on page5, lines 18-21 of the specification, it is disclosed, "Some different methods **have been** developed for addressing a certain service in the Internet data transmission network. One **known** method is to use addresses complying to the so-called URL addressing mechanism. A typical URL address

has the form:", emphasis added. The specification goes on to discuss, "In the STB however, this requires that a TCP/IP stack be formed in the software of the STB device. This method is applicable particularly in situations when the data file is retrieved from the Internet transmission and transmitted to the STB device of the viewer for example in a MPEG data transmission stream". The specification itself then goes on to characterize the known addressing protocols as prior art, where page 6, line 11, reads "Addressing methods of prior art have *inter alia* the disadvantage that when the address of a device connected with the data transmission network is changed, the old address can no longer be used but the new address must be known", emphasis added. Thus within the context of prior art methods, of page 5-6, it appears that the passages cited by examiner are also prio art.

Furthermore, examiner points out that in the remarks of page 11, applicant states, "Applicants never admitted that APA on page 6, lines 1-10 did anything more than identify a problem with **existing** data transmission streams...", emphasis added. Thus it is clear that the known addressing protocols, discussed in the specification, including DSM-CC, disclosed in specification page 6, lines 1-10, using DVB definitions existed at the time the invention was made, according applicant's admission, and are thus properly considered prior art.

Applicant also argues that "Terasawa does not disclose for what purpose the service_id in the SDT or EIT is used". Examiner respectfully disagrees, since Terasawa states that the service_id provides a label for distinguishing the services from the other services in the transport stream". Thus the service _id is used for identification purposes.

Applicant's main argument against Eyer, is that the reference does not teach that services may be accessed using the HTML format. Examiner respectfully disagrees, and points out that col. 4, lines 9-20, Eyer states, that "the system should provide the capability to control various TV functions such as... in addition to purchase of NVOD or other home shopping services". Thus, Eyer is clearly directed to providing the user with TV services that can be accessed using the HTML format, i.e. non-numerical textual service identifier.

Applicant continues to argue that col. 7, lines 10-15 of Eyer does not read on the claimed subject matter. To the contrary, it is clear that Eyer is discussing a user accessing a purchasing function, (i.e. service) by using the HTML identification method (i.e., non-numerical textual worldwide global identification method)for identifying the service. Applicant argues that the URL cannot be seen as non-numerical textual worldwide global identifying name information, examiner respectfully disagrees, since that is actually what this URL is. Applicant argues that the URL cannot be used for searching a service or service component as disclosed in the present application, however that is exactly the purpose of the URL in the system. When the user selects the URL, the associated service is accessed.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. Claims 2-6, 8-10, 12, 14, 28-32 & 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terasawa, (U.S. Pat # 6,147,714), in view of Admitted Prior Art (APA, page 6, lines 1-10) and Eyer, (U.S. Pat # 5,982,445).

Considering claim 2, the amended claimed method for 'addressing at least one service in a data communication system including at least one data transmission network for transmitting information in at least one data transmission stream', such that at least one service provider transmits services to at least one data transmission network', wherein the services are assigned service ID data is met by Terasawa, (col. 8, lines 40-50), which discusses a service ID that is provided as a label for a particular service within a transport stream (Fig. 13).

The amended claimed original transmission network, reads on the disclosed original network ID (original_network_id(2)), see col. 8, lines 32-33. Also Terasawa more generally discloses a parameter, the Service Provider Item, discussed in Terasawa, (Fig. 13). The Service

Provider identifies the provider, i.e. the original network that provides the particular service, col. 7, lines 58-62.

The claimed broadcast service ID identifying a broadcast transmission stream from the broadcast service provider reads on Terasawa, (col. 8, lines 28-34), which discusses the broadcast transport stream ID. Terasawa (col. 8, lines 40-50) meets the claimed broadcast service ID identifying the service within the stream. Terasawa teaches that the SDT includes the data representing the services, such as service name, service provider, etc, (Fig. 13) which is associated with the identification information (Fig. 14).

'wherein on the basis of the identification data, the transmission stream and allocation therein ins retrievable for use' is inherent in Terasawa.

As for the amended claimed feature of the textual worldwide globally individual name of broadcast services, Terasawa teaches that identification data uniquely identifies the broadcast services within the network, using the DVB definitions, but does not explicitly discuss that the DVB definitions utilize a worldwide identification algorithm (Fig. 4; Fig. 8; col. 4, lines 62-67 thru col. 5, lines 1-5 & col. 7, lines 55-60). However Admitted Prior Art, page 6, lines 1-15 discloses that it is advantageous to represent the DVB definitions within the format of a URL. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Terasawa to use worldwide identification algorithm, as disclosed by Admitted Prior

Art, page 6, lines 1-10, at least for the desirable benefit of uniquely identifying broadcast services across a worldwide network.

However, Terasawa & APA, page 6, lines 1-10 do not explicitly teach utilizing a non-numerical identification format, instead of the claimed non-numerical textual service identifier. Nevertheless, Eyer discloses the benefits of using the well-known HTML format of a URL address for identifying additional TV programming services, see col. 3, lines 17-15 & col. 4, lines 40-50.

In particular, Eyer teaches the advantages of expanding the generic hypertext markup language, for instance such as a HTVP, which enables unique functions of a set top system that may be controlled using Internet protocols, being identified according to a URL, (col. 11, lines 35-67 & 12, lines 1-40), which reads on the claimed non-numerical service identifier. Eyer also discloses enabling the subscriber to retrieve a variety of TV services, using the same format, col. 7, lines 10-15. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify the combination of Terasawa & Admitted Prior Art, page 6, lines 1-10 to use a non-numeric textual service identifier algorithm, as disclosed by Eyer at least for the known benefit of a more user friendly technique, since consumers are more familiar with a textual identification format, which enables the user to identify TV services using the standard URL format, see col. 3, lines 19-55 & col. 4, lines 8-20.

As for the additionally claimed feature of , 'wherein a relationship is assigned between the non-numerical textual service identifier and a service name' , the feature is met by the combination of Terasawa & Eyer, since Eyer teaches that function parameters are incorporated in to the a URL, see col. 7, lines 10-38.

As for the further claimed feature, it is clear that the since the URL's are generated at the server, that the server may change the URL at any time, without affecting the operation of the system or changing the service associated with the instant URL.

Applicant is directed to MPEP 2106, section 6 which states:

- a computer that differs from the prior art solely with respect to nonfunctional descriptive material that cannot alter how the machine functions (i.e., the descriptive material does not reconfigure the computer), or
- a process that differs from the prior art only with respect to nonfunctional descriptive material that cannot alter how the process steps are to be performed to achieve the utility of the invention.

Thus, if the prior art suggests storing a song on a disk, merely choosing a particular song to store on the disk would be presumed to be well within the level of ordinary skill in the art at the time the invention was made. The difference between the prior art and the claimed invention is simply a rearrangement of nonfunctional descriptive material.

Therefore, the claimed subject matter represents non-functional descriptive material, i.e., changing the URL associated with a service. Such a change is obvious over the cited prior art.

Considering claims 3 & 29, both Terasawa (col. 4, lines 62-67 thru col. 5, lines 1-5 & col. 7, lines 55-60) and APA page 6, lines 1-6, disclose the use of DVB definitions for the data transmission protocol.

Considering claims 4 & 30, Terasawa teaches that the identification data is transmitted in the SDT tables, and that there is relation between the name information and the identification information, col. 7, lines 55-67 thru col. 8, lines 1-40.

Considering claims 5 & 31, the claimed use of the EIT table is met by the discussion of Terasawa, (Fig. 13; col. 7, lines 55-67 thru col. 8, lines 1-25.

Considering claims 6 & 32 the subject matter reads on the transport stream_id disclosed in Terasawa, (Fig. 13 & col. 8, lines 25-30).

Considering claims 8 & 34, Admitted Prior Art (APA) page 6, lines 1-10 discloses that the files may be transmitted by using the DSM-CC object carousel.

Considering claim 9 & 35, (APA, page 6, lines 1-10) and Eyer (col. 6, lines 8-35) teaches that the name information of a transmitted file may be part of a URL address.

Considering claim 10, the claimed data communications system comprising at least one transmission network for transmitting information on services, comprising elements that corresponds with subject matter mentioned above in the rejection of claim 2, are likewise rejected. The claimed "equipment for transmitting" reads on the transmission apparatus shown in Fig. 1 of Terasawa, col. 3, lines 21-65. The claimed feature of the broadcast service containing a packet of service components reads on each packet representing a transmitted service as shown in Fig. 13 of Terasawa. As for the additionally claimed feature of the name information (i.e., service name) referring to a different identification data for obtaining the packet of service components, the claimed feature is broad enough to read on the system in Terasawa having multiple services transmitted, requiring multiple name information, so that each distinct name information refers to a different packet of service component, se col. 8, lines 25-60.

As for the further claimed feature, it is clear that the since the URL's are generated at the server, that the server may change the URL at any time, without affecting the operation of eth system or changing the service associated with eth instant URL.

Applicant is directed to MPEP 2106, section 6 which states:

- a computer that differs from the prior art solely with respect to nonfunctional descriptive material that cannot alter how the machine functions (i.e., the descriptive

material does not reconfigure the computer), or

- a process that differs from the prior art only with respect to nonfunctional descriptive material that cannot alter how the process steps are to be performed to achieve the utility of the invention.

Thus, if the prior art suggests storing a song on a disk, merely choosing a particular song to store on the disk would be presumed to be well within the level of ordinary skill in the art at the time the invention was made. The difference between the prior art and the claimed invention is simply a rearrangement of nonfunctional descriptive material.

Therefore, the claimed subject matter represents non-functional descriptive material, i.e., changing the URL associated with a service. Such a change is obvious over the cited prior art.

Considering claims 12 and 14, the claimed broadcasting device and receiver comprises elements that correspond with subject matter mentioned above in the rejection of claim 10, and are likewise treated. Regarding the receiver, Terasawa discloses an IRD 2, see Fig. 20; col. 10, lines 59-67 thru col. 11, lines 1-22 & col. 12, lines 64-67 thru col. 13, lines 1- 8.

Considering claims 28, the claimed broadcasting device for transmitting at least one service, corresponds with subject matter mentioned above in the rejection of claim 2, and is likewise treated.

5. Claims 7 & 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Terasawa, in view of (APA, page 6, lines 1-10) & Eyer, and further in view of Adams, (An Introduction to Digital Storage Media- Command & Control (DSM-CC)).

Considering claims 7 &33, (APA, page 6, lines 1-10) discusses that the files may be transmitted using the DSM-CC object carousel, but does not discuss the claimed data carousel. Nevertheless, Adams discloses that the data carousel may be used for the periodic transfer of data messages to a client, page 10, section 8.1 It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Terasawa to utilize the data carousel technique at least for the known benefit of avoiding the necessity of two-way communication for the client to retrieve messages, as taught by Adams.

In particular, Cotner teaches that a relationship is established between the server and its identification information, (i.e., a resynch # is given to the client), col. 7, lines 35-67 thru col. 8, lines 1-35. This resynch # is associated with the server, originally located at a certain IP address, so that the client may find the instant server, if it moves to a different IP address. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Terasawa to include an algorithm for locating a service in the event that the instant service address changes, at least for the desirable improvement as taught by Cotner of enabling the client to successfully complete a session that has been started, even after the its resource has changed its network address.

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

or faxed to:
(571) 273-8300, (for formal communications intended for entry)
Or:
(571) 273-7290 (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F (9:00-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown

REUBEN M. BROWN
PATENT EXAMINER